

## MUTUAL RESCISSION OF CONTRACT

This Agreement of mutual rescission (hereinafter "Mutual Rescission") is executed to rescind an agreement for the construction of the 6400 West Storm Drain Project (hereinafter the "Agreement") in West Valley City which was entered into, executed and became effective on the 24th day of August, 2009, by and between West Valley City, a municipal corporation of the State of Utah and Nichols Building, LLC, a Utah Limited Liability Company.

The parties hereby mutually acknowledge and agree that:

1. On August 24, 2009 the parties entered into the Agreement for the construction of the 6400 West Storm Drain Project, which shall be incorporated into this Mutual Rescission as *Exhibit A*.

2. The parties to that contract and to this agreement of mutual rescission wish to rescind that contract.

Therefore, in consideration of the mutual covenants of the parties, the parties hereby rescind the aforementioned Agreement effective as of the date of execution. This agreement of mutual rescission shall be binding upon the parties, their successors, assigns and personal representatives. The Parties agree to release each other of any past, present, or future obligations under the Agreement. Neither party shall have any further rights or duties thereunder.

This agreement shall be enforced under the laws of the State of Utah. This is the entire agreement.

IN WITNESS WHEREOF, the parties have executed this Rescission on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

WEST VALLEY CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM  
West Valley City Attorney's Office

By: \_\_\_\_\_

Date: \_\_\_\_\_

Nichols Building, L.L.C.

\_\_\_\_\_  
F. Brian Nichols, Managing Member

State of \_\_\_\_\_ )  
:SS  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, personally appeared before me F. Brian Nichols, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the Managing Member of Nichols Building, L.L.C., a Utah limited liability company, by authority of its members or its articles of organization, and he acknowledged to me that said limited liability company executed the same.

\_\_\_\_\_  
Notary Public